

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MAY 18, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Absent: None. Late arrivals: Jose Alexandro Lozano arrived at 9:16 a.m. and Paul J. Escobar arrived at 9:31 a.m. Meeting was called to order at 9:12 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. ***Direct Deposit and Direct Payment Month***
2. ***The Year of the Sun***
3. ***Temple Mount Sinai Mitzvah Volunteer Effort Day***
4. ***Honorary Citizen Certificate to Mr. Jerome Guiot and presentation by Mr. Guiot***

No action was taken on the request for removal of Rim Road rock wall, under construction, and already built between Kansas and Campbell Streets. [John A. Ferguson, Sr.]

Mr. Ferguson provided documents to the Council Members (on file in the City Clerk's office) and commented on the rock wall constructed on Rim Road.

Mr. Ed Drusina, Deputy Chief Administrative Officer, Municipal Services, provided explanation regarding the construction of the rock wall and drainage issues and added that the project was constructed due to a lawsuit against the City.

Ms. Irene Ramirez, Interim City Engineer, provided photographs of the affected area and added comments regarding the project.

Mr. David Varela, AMEC Earth and Environmental, Inc., gave background information in reference to the slope improvements and placement of the rock wall.

Mr. Robert Gonzalez, QUATUM Engineering, sub-consultant to AMEC, provided additional explanation pertaining to the drainage and grading component of the project.

No action was taken on the following item: Tolls. [William F. Hart Jr.]

Mr. Hart spoke in opposition to tolls.

Mayor Joe Wardy stated that he was opposed to tolls on Loop 375, however, was in favor of the Governor's proposal.

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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to delete the following item:

Continued corruption within E.P.P.D., D. A.'s office, I.A.D., and P.I.U. and lack of action by Civil Service Commission. [Jesus Luna]

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No action was taken on the discussion and action on the creation of a stand alone regional Non-Profit Economic Development Corp. [Lisa Turner]

Agenda Item - Discussion and action on adopting an ordinance creating the El Paso Economic Development Group was discussed concurrently.

Ms. Lisa Turner, citizen, suggested the City of El Paso institute a regional stand alone non-profit Economic Development Corporation, to include Texas and New Mexico counties and areas within Mexico and requested increased emphasis on education, specifically research centers and workforce training and that the City hire the professionals that would grow the city's economy.

Mayor Joe Wardy responded that a major announcement would be made on June 1st, 2004, regarding the formation of the El Paso Regional Economic Development Corporation, a community wide economic development effort, to include educational institutions, Chambers of Commerce and other entities, modeled after a regional effort in San Antonio.

Representative Power suggested an institutionalized process to bring together various resources, public and private, to develop the City's economy and requested that an Economic Development Legislative Review Committee meeting be scheduled to discuss the Mayor's June 1st announcement, in conjunction, the creation of an Ordinance developing an El Paso Economic Development Group. He expounded on the duties and responsibilities of the El Paso Economic Development Group and answered questions from and responded to comments made by the Mayor Joe Wardy and Representative Austin.

Representative Cobos moved to direct Representative Power, Chairman of the Legislative Review Committee for the Economic Development Department, to build on the Ordinance that created the Governmental Coordinating Committee. Representative Power seconded.

Mr. Bob Cook, President and Chief Executive Officer of the Greater El Paso Chamber of Commerce, commented on the past and future economic development efforts and requested that both private and public entities be included in this effort.

Mr. David Dobson, Economic Development Director, made comments.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representatives Lozano, Rojas and Cobos were not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of February 25, 2003 and May 11, 2004 and Special City Council Meeting of May 10, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department to be funded through the FY2004 Downtown Festivals and Cultural Programs of the Arts and Culture Department, as recommended by the Arts and Culture Board and Staff. All Districts.

ORGANIZATION	AMOUNT
1. Project Change/Victory Warriors Drill Academy	\$6,000.00
TOTAL:	\$6,000.00

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the September 9, 2003, Contract (part of the Arts and Culture Department's Music Under the Stars World Festival) between the City and Roberto Borrell, as representative for the artist, Orquesta la Moderna Tradición, to reflect the change of representatives to K. Tregar Otton. There are no further changes to the Contract.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to the Airport Display Agreement by and between the City of El Paso and the El Paso Mission Trail Association, Inc. to extend the display of their exhibit entitled "Missions of the Pass of the North" to March 31, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a License and Promotion Agreement by and between the City of El Paso ("Licensee"), acting by and through its Department of Aviation, and T.J.F. Golf, Inc. ("Licensor") for a limited non-exclusive license to use trade dress, personal likeness, company name and mark, logos, publicity and/or other rights used in connection with golf course design services owned by Licensor.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

JOINT RESOLUTION

WHEREAS, on May 15, 2000, the Public Service Board of El Paso (PSB) sold approximately 484 acres of unimproved land in Northwest El Paso and set aside an identified 20 acre site from the sale; and,

WHEREAS, there were various discussions between staff members of the City of El Paso Parks and Recreation Department and the El Paso Water Utility regarding the use of the 20 acre site as a park site; and,

WHEREAS, the 20 acre site was never transferred from the El Paso Water Utility inventory to the City of El Paso inventory for use as a public park; and,

WHEREAS, the City would like to finalize the transfer of the identified 20 acre site to the City inventory,

NOW THEREFORE BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. The findings and recitations set out in the preamble to this Resolution are found to be true and correct, and that they are hereby adopted by the PSB and the City Council and made a part of this Resolution for all purposes.

Section 2. The PSB hereby determines that the transfer of real property described in Exhibit "A" hereto, being a 20-acre tract of land in H. G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, has become inexpedient to use in connection with the Water and Wastewater System, and will not impair the assets of the El Paso Water Utilities or adversely affect the operation of the Utility. (Exhibit on file with this Resolution in the City Clerk's Office).

Section 3. The property described in Exhibit "A" hereto is hereby transferred from the jurisdiction of the PSB to the jurisdiction of the City of El Paso.

Section 4. The City shall pay the PSB the sum of \$50,000 as consideration for this transfer. The PSB will accept reimbursement through deductions due the City from the proceeds derived from future PSB land sales in the amount of \$50,000, to cover the land transfer.

Section 5. That a true, correct and complete copy of this Resolution shall be transmitted to the City Attorney's Office.

Section 6. This resolution shall become effective from and after its adoption, as allowed by law.

PASSED AND APPROVED at regular meeting of the Public Service Board of the City of El Paso, Texas, this 14th day of April, 2004, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

Representative Power commented on the 1965 PSB Agreement and his objections to the amount to be paid to the PSB for the land. He expressed that he would support the Resolution contingent upon a new covenant/agreement with the PSB.

Motion made by Representative Cook, seconded by Representative Lozano and carried to approve the above amended Resolution.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: Representative Power

NOTE: The amount that the City of El Paso shall pay was amended from "\$120,000" to "\$50,000".

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the City of El Paso contemplates usage of a certain 20 acre tract of land as a City Park;

WHEREAS, this tract is intended for transfer from the El Paso Water Utilities to the City of El Paso inventory by joint resolution approved by the El Paso Water Utilities on April 14, 2004 and scheduled for action by City Council on April 20, 2004;

WHEREAS, access to this 20 acre parcel from Bear Ridge, where it abuts, is desirable and is intended to be an important access point necessary for future usage of the tract;

WHEREAS, Colony Partners, L.P. is willing to construct the necessary ROW and drainage channel structure where intersecting where intersecting the 20 acre tract as part of contemplated improvements to their abutting development in consideration of the City's participation with costs incurred; and

WHEREAS, this Developer Agreement will allow improvement of Bear Ridge Drive and the drainage channel within the 20 acre tract in a more timely and cost-efficient manner that benefits both the City and Colony Partners, L.P.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

See above item for discussion.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Attorney be authorized to retain outside counsel to provide professional legal and administrative personnel investigative services and to execute the necessary Professional Services Letter of Engagement.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amended Grant Agreement between the City of El Paso and the Opportunity Center for the Homeless for the "Homeless Coalition Capacity Building Project II", a 28th Year (2002-2003) Community Development planning project. This Amended Grant Agreement increases the contract amount to \$164,768.00, expands the scope of service, and extends the contract period to May 31, 2005.

Representative Austin explained that she had signed an affidavit and would abstain from voting on the matter.

Representative Austin abstained from the vote.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Twelve Thousand Three Hundred Fifty And No/100 Dollars (\$12,350.00, Grant - \$1,500.00 and Loan - \$10,850.00), against the following described real property:

Lot 11 and the West ½ of Lot 12, Block 286, CAMPBELL ADDITION, an Addition to the City of El Paso, El Paso County, Texas, said addition also referred to as Pierce Finley Addition, an addition to the City of El Paso, El Paso County, Texas, which is one and the same property as described in that certain Deed dated January 22, 1970, recorded in Book 281, Page 997 Film Records of El Paso County, Texas; known and numbered as 1118 E. Nevada

for consideration paid to the City in full satisfaction of certain Notes executed by the owners of the above-described real property; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Seventy Eight and 58/100 Dollars (\$78.58).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **LUCERO/MELENDEZ ARCHITECTS AIA, INC.**, for a project known as “**Leo Cancellare Pool Improvements**”, in an amount not to exceed **FOURTEEN THOUSAND EIGHT HUNDRED NINETY FOUR and 61/100 DOLLARS (\$14,894.61)**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute an Agreement by and between the **CITY OF EL PASO** and the **CONCORDIA HERITAGE ASSOCIATION, INC.** allowing for the completion of the Association's proposed improvements to the Concordia Cemetery, some of which are found on or near the City of El Paso's right of way.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council hereby approves the Rules of Order for The Information Technology Advisory Board of the City Of El Paso, as adopted and approved by the Information Technology Advisory Board.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Sponsorship Agreement between the City of El Paso and KVIA-TV, ABC-7, to provide for promotional support for the El Paso Public Library Bookmobile in exchange for the use of the Channel 7 “Education First” logo on the Bookmobile.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **ALFREDO CHAVIRA** as a Library Assistant for the El Paso Public Library at an hourly rate of \$5.57 per hour not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. Employee may be required to use own vehicle to travel to different Library branches and will be reimbursed for mileage at a rate of \$.36 per mile, not to exceed 150 miles per week or a total of \$54.00 per week. The term of the contract shall be for the period of May 19, 2004 through May 18, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **RICARDO IVAN GUERRERO** as a Library Assistant for the El Paso Public Library at an hourly rate of \$5.57 per hour not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. Employee may be required to use own vehicle to travel to different Library branches and will be reimbursed for mileage at a rate of \$.36 per mile, not to exceed 150 miles per week or a total of \$54.00 per week. The term of the contract shall be for the period of May 19, 2004 through May 18, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Regional Tournament Agreement between the City of El Paso, on behalf of the Parks and Recreation Department, and the American Amateur Baseball Congress (AABC) to provide for the conduct of a Regional Tournament among teams of the Pee Wee Reese Division (12 and Under) of the South Plains Region of the AABC. The Tournament will be held at various Parks Department facilities beginning July 21, 2004, and ending July 24, 2004. The Agreement provides for the City to pay a \$100.00 registration fee, together with operating expenses of the Tournament.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

1. **CONTRACTOR:** Oscar Arellano Jr., Scorekeeper
DATES: May 19, 2004 through August 31, 2004
RATE PER CL: \$15.00
MAXIMUM AMT: \$1,125.00
CONTRACT: **2003/2004-142**

2. CONTRACTOR: Beatriz Castillo, Scorekeeper
DATES: May 19, 2004 through August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$1,000.00
CONTRACT: **2003/2004-143**

YOUTH OUTREACH CENTER
DEPARTMENT ID: 51010234, ACCOUNT 502214

3. CONTRACTOR: Norma Ponce-Gomez, Fine Arts Instructor
DATES: June 7, 2004 through July 31, 2004
RATE PER CL: \$20.00
MAXIMUM AMT: \$240.00
CONTRACT: **2003/2004-144**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS
DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Joseph M. Candelaria, Swim Instructor, Step 2
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.50
CONTRACT NO: **2003/2004-267**
2. CONTRACTOR: Deyanira N. Gallegos, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-268**
3. CONTRACTOR: Brian J. Jones, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-269**
4. CONTRACTOR: Gabriela Lopez, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-270**
5. CONTRACTOR: Paul A. Lopez, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-271**

6. CONTRACTOR: Lorena D. Martinez, Swim Instructor, Step 3
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.65
CONTRACT NO: **2003/2004-272**
7. CONTRACTOR: Holly H. Monteiro, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-273**
8. CONTRACTOR: Sofia A. Otero, Lifeguard, Step 2
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-274**
9. CONTRACTOR: Isaac Perez, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-275**
10. CONTRACTOR: Kyle M. Quagliato, Swim Instructor, Step 1
DATES: May 19, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-276**
11. CONTRACTOR: Endi M. Silva, Swim Instructor Coordinator, Step 1
DATES: May 26, 2004 through September 30, 2004
RATE PER HR: \$6.50
CONTRACT NO: **2003/2004-277**

*RESOLUTION

WHEREAS, the Police Department canine, "Ben," is nine years old and has served the City well for many years; and

WHEREAS, "Ben" is experiencing medical problems and needs to retire from his duties as a police canine; and

WHEREAS, "Ben" has no value to the City to be sold or traded as a working police canine and due to the benefits "Ben" will receive from being retired to his handler, City policy authorizes the transfer to his handler at no cost; and

WHEREAS, transferring "Ben" to his handler is in the best interests of "Ben" and allows the Police Department to dispose of the dog without facing the possibility that he would have to be destroyed; and

WHEREAS, his handler shall assume all responsibility and risk of liability associated with the keeping of "Ben."

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the retirement of the Police Department canine "Ben" by transferring him to his handler is authorized at no cost.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso, a political subdivision of the State of Texas, for information sharing and mutual support services regarding the Orion Communications, Inc. courtNotify system. The agreement will allow both entities to use the system to schedule court appearances in prosecutions and proportionately share the costs.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

Whereas on May 11, 2004, the El Paso City Council authorized the Mayor to sign an Interlocal Agreement between the CITY OF EL PASO and the COUNTY OF EL PASO for the Sale of Land and the Construction of a Parking Garage at 210 S. Campbell Street, El Paso, El Paso County, Texas, and

WHEREAS, on May 17, 2004, the El Paso County Commissioners Court reviewed the Interlocal Agreement approved by the City of El Paso, and requested revisions to the agreement,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a revised Interlocal Agreement between the CITY OF EL PASO and the COUNTY OF EL PASO for the Sale of Land and the Construction of a Parking Garage at 210 S. Campbell Street, El Paso, El Paso County, Texas.

Representative Cushing questioned what language was revised was from the original Interlocal Agreement.

Mr. Byron Johnson, Director of Purchasing, explained.

Mr. Ray Gilbert, citizen, thanked the Council Members for approving the sale of the property to the County of El Paso for the parking garage facility.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of June, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 320 N. Carolina Drive, in El Paso, Texas, which property is more particularly described as:

Tract: 31, except the North 10 feet thereof, Rosedale Farms Map No. 4, an Addition to the City of El Paso, El Paso County, Texas, According to the map thereof on File in Book 3, Page 30, plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Victor Mendez, 2425 Red Rock Canyon Drive, El Paso, Texas 79930, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Pleasant Hills Unit Eight
Owner/Developer: CareFree Land L.P.
Consultant: Conde Inc.

Street Improvements:

Pleasant Sand Drive - from the north property line of Pleasant Hill Drive to the southwest subdivision boundary line

Drainage Improvements:

Retention Ponding Area - located at Lot 63, Block 4;; 1.67 ac. Area; 12.18 ac-ft. Capacity; 1-Thurst Block Outlet Structure with Concrete Rip-Rap; 1-Junction Box/72" Manhole; 100 ft. of 42" R.C.P.; 1105 ft. x 5 ft. Sidewalk; 1112 ft. x 6 ft. high Rock Wall Fence around the Ponding Area Perimeter; 1-30 ft. Concrete Driveway with 18 ft. Double Swing Gate; and 1-Water Depth Gauge

15 ft. Drainage R.O.W. and P.S.B. Easement - between Lots 62 and 63, Block 4; 101 ft. x 15 ft. x 6" Concrete Flume; 202 ft. x 6 ft. Rock Wall Fence located at the east and west sides of the R.O.W.; and 2-18 ft. Double Swing Gate

Storm Drain System - behind Lots 22, 23, 24, and 29, Block 34; 1-5 Grate and 1-3 Grate Off Street Inlet; 375.5 ft. of 36" R.C.P.; and 278. ft. x 3 ft. dirt ditch

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*Motion made, seconded and unanimously carried to delete the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Civil Service Recorder (1)

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **HEALTH**

Add	1.00	Environmental Quality Coordinator	PM 82
Delete	1.00	Environmental Health Manager	PM 80

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*Motion made, seconded and unanimously carried to appoint Jaime Barron to the Art Museum Advisory Board by Representative Robert A. Cushing, Jr., District 2.

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*Motion made, seconded and unanimously carried to appoint Pat Monardez to the Art Museum Advisory Board by Representative Robert A. Cushing, Jr., District 2.

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*Motion made, seconded and unanimously carried to appoint Tommy Carreon to the Ad Hoc Waste Tire Disposal Advisory Committee as an Alternate Member by Representative Jose Alexandro Lozano, District 3.

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*Motion made, seconded and unanimously carried to approve the recommendation to Council to appoint Angela Mora to the City Employees' Health Benefit Program Advisory Board by Representative Vivian Rojas, District 7.

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*Motion made, seconded and unanimously carried to approve the reactivation of the Border Relations Commission to work in conjunction with the International Bridge Commission by Representative Jose Alexandro Lozano.

- A. Raul & Maria Villegas in the amount of \$8,182.76, overpayment of 2003 taxes.
(PID #C050-999-1000-0600)
- B. Raul & Maria Villegas in the amount of \$15,340.27 overpayment of 2003 taxes.
(PID #C050-999-1190-2100)
- C. Cumming Property Tax Service in the amount of \$4,617.09, overpayment of 2003 taxes.
(PID #E072-000-0010-0110)
- D. First Savings Bank in the amount of \$6,258.30, overpayment of 2003 taxes.
(PID #M794-999-1230-1700)
- E. Wells Fargo Home Mortgage in the amount of \$2,905.35, overpayment of 2003 taxes.
(PID #O415-999-0000-7800)
- F. Santiago & Violeta Perez in the amount of \$2,633.65, overpayment of 2003 taxes.
(PID #T213-999-0070-1900)
- G. First American Real Estate Tax Service in the amount of \$21,200.00, overpayment of 2003 taxes.
(PID #W145-999-0160-2400)

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 *Motion made, seconded and unanimously carried to approve the request authorizing to allocate discretionary funds from District #2, in the amount of \$225.00 for the rental of the pavilion at Logan Heights Reserve #4 with the Parks & Recreation Department.

.....
 Motion made, seconded and unanimously carried to move to the regular agenda the request authorizing to allocate \$1,000.00 from District #3 Discretionary Funds to the Parks and Recreation Department, to assist with the Summer Youth Recreational Program at Thomas Manor Park.

Representative Rojas thanked City staff for the formation of the Summer Youth Recreational Program and Representative Lozano for expending discretionary funds to further assist the program.

Mr. Teodoro Espinoza, Thomas Manor Neighborhood Association, expressed his gratitude towards Representatives Rojas and Lozano, Parks and Recreation Department, and Mr. Franco, Principal at Thomas Manor Elementary School. He noted that the Summer Youth Recreational Program would be held at Thomas Manor Elementary School rather than, as noted in the El Paso Times, at Thomas Manor Park and pointed out other corrections to the article in the Times.

Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to approve the request authorizing to allocate \$1,000.00 from District #3 Discretionary Funds to the Parks and Recreation Department, to assist with the Summer Youth Recreational Program at Thomas Manor Park.

.....
 Motion made, seconded and unanimously carried to move to the regular agenda the request authorizing to allocate \$1,000.00 from District #7 Discretionary Funds to the Parks and Recreation Department, to assist with the Summer Youth Recreational Program at Thomas Manor Park.

See the discussion for the item above.

Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to approve the request authorizing to allocate \$1,000.00 from District #7 Discretionary Funds to the Parks and Recreation Department, to assist with the Summer Youth Recreational Program at Thomas Manor Park.

.....
 *Motion made, seconded and unanimously carried to approve Change Order No. Nine (Construction Change) to C.F. Jordan L.P. for "EPIA Consolidated Security Checkpoint & Terminal Apron project" for an increase amount of \$ 67,903.91. An increase in the Contract amount due to:

Item 1: Provide and install additional HVAC unit for room A204 to be used by TSA as security monitoring room (per Proposal Request 12) \$17,948.87

Item 2: Provide for new power outlets, conduit, boxes, and cabling for cameras to be used by TSA for security monitoring purposes (per Proposal Request 8 and ASI dated 04/15/04) \$40,173.30

Item 3: Provide for installation of glass wall panels provided by TSA at Security Screening area \$3,302.49

Item 4: Provide 24" tall letters to read HOME OF THE SUNBOWL. Letters to be mounted on exterior horizontal tube that conceals sprinkler system (per Proposal Request 11) \$6,479.25.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the request that the Director of Purchasing be authorized to issue a Sole Source Purchase Order to Maximus, Inc., in the amount of \$77,700.00 to upgrade the existing fuel management system. Maximus, Inc. is the sole provider for its proprietary Fuel Focus Fuel Management hardware and software.

Department: Fleet Service
Funding Sources: 508008-29211-04200401-PMB0005011
Bond Election, Capital Acquisition Public Safety
Communication System (\$40,000.00)
508010-29211-04200401-PMB00050011
Bond Election, Capital Acquisition Public Safety
Communication System (\$10,000.00)
503121-45202-37370510 Internal Service Fund Equipment
Supply & Support (\$6,500.00)
503124-45202-37370510 Internal Service Fund Equipment
Supply & Support (\$21,200.00)
Total award: \$77,700.00

Ms. Lisa Turner, citizen, questioned what action would be taken in the event Maximus, Inc., were to go out of business.

Mr. Byron Johnson, Director of Purchasing, provided background information regarding sole source and explained that the City would revert to manual mode in the event the company would go out of business.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the Director of Purchasing be authorized to issue a Sole Source Purchase Order to Maximus, Inc., in the amount of \$77,700.00 to upgrade the existing fuel management system. Maximus, Inc. is the sole provider for its proprietary Fuel Focus Fuel Management hardware and software.

Department: Fleet Service
Funding Sources: 508008-29211-04200401-PMB0005011
Bond Election, Capital Acquisition Public Safety
Communication System (\$40,000.00)
508010-29211-04200401-PMB00050011
Bond Election, Capital Acquisition Public Safety
Communication System (\$10,000.00)
503121-45202-37370510 Internal Service Fund Equipment
Supply & Support (\$6,500.00)
503124-45202-37370510 Internal Service Fund Equipment
Supply & Support (\$21,200.00)
Total award: \$77,700.00
.....

Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-091 Memorial Park Improvements and Indoor Pool.

There was no discussion on the matter.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to award Bid No. 2004-091 Memorial Park Improvements and Indoor Pool

Contractor:	Vistacon, Inc El Paso, Texas	
Department:	Parks and Recreation	
Funds Available:	31130550-PPW0046026YR2-60029-508027	
Funding Source:	Quality of Life Bonds	
Items:	Base Bid I	\$2,370,000.00
	Base Bid IA	\$ 1,600.00
	Alternate #3	\$ 79,000.00
	Alternate #7	\$ 17,000.00
Total Award:		\$2,467,600.00

RECOMMENDATION:

The Departments of Engineering, Purchasing and Parks and Recreation Department recommend the award of this contract to Vistacon, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-145 Janitorial Services Rev Pete Martinez Senior Citizen & Wellington Chew Senior Citizen Center

Award to:	Vendor #1	Maheir Janitorial Services El Paso, TX
Item (s):		1A & 1B
Amount:		\$8,310.00 (estimated year)
Award to:	Vendor #2	Total Cleaning Services El Paso, TX
Item (s):		2A & 2B
Amount:		\$8,936.40 (estimated year)

Department: Parks and Recreation
Funds available: 51010256-01101-502206
Funding source: Operating Account
Janitorial Maintenance Svcs Contract
Total award: \$17,246.40 (estimated year)

Parks & Recreation Department and Purchasing recommend awards as indicated as these vendors meet the Best Value Procurement Criteria and are responsible and responsive bidder.

This is a thirty-six (36) month contract with no option to extend the term of this contract. Additionally, Maheir offers a 1% 10 days prompt payment discount and Total Cleaning Services offers a 2.5% 20 days prompt payment discount.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-147 Janitorial Services Multi-Purpose Center

Award to: Total Cleaning Services
El Paso, TX
Item (s): All
Amount: \$18,578.40 (estimated year)

Department: Parks and Recreation
Funds available: 51010256-01101-502206
Funding source: Operating Account
Janitorial Maintenance Svcs Contract
Total award: \$55,735.20 (estimate)

Parks & Recreation Department and Purchasing recommend awards as indicated as this vendor meets the Best Value Procurement Criteria and is responsible and responsive bidder.

This is a thirty-six (36) month contract with the no option to extend the term of this contract. Additionally, Total Cleaning Services offers a 1.5% 20 days prompt payment discount.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-083 Ground Maintenance-City Facilities

Award to: Ledesma's
El Paso, Texas
Item (s): All
Amount: \$18,480.00 (estimated year)

Department: Municipal Services-Building Maintenance
Funds available: 31010326-01101-502221
Funding source: Operating Account
Groundkeeping/Horticultural Contracts
Total award: \$55,440.00

The Municipal Services, Maintenance Department and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a thirty-six (36) month contract. There is no option to extend the contract. Additionally, Ledesma's offers a 9.1% 10 days Prompt Payment Discount.

Item number ten (10) Main Library is deleted from this solicitation.
.....

Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-117 Used Program Vehicles.

There was no discussion on the matter.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to award Bid No. 2004-117 Used Program Vehicles

Award to:	Vendor 1	Sisbarro Buick, Pontiac, GMC Las Cruces, NM
Item (s):		#1 – 38/each @ \$10,250.00 #3 – 1/each @ \$8,250.00 #4 – 14/each @ \$10,250.00 #5 – 3/each @ \$8,250.00
Amount:		\$566,000.00
	Vendor 2	Casa Ford Inc. El Paso, TX
Item (s):		#6 – 4/each @ \$16,995.00
Amount:		\$67,980.00
Department:		Various
Funding Sources:		508006-29209-04200401-PMB0005009 BE Capital Acquisition Public Safety (\$397,750.00) 508006-29205-04200401-PMB0005005 BE Capital Acquisition Health (\$59,500.00) 508006-29204-04200401-PMB0005004 BE Capital Acquisition Fire (\$108,750.00) 508006-29201-04200401-PMB0005001 BE Capital Acquisition Parks (\$67,980.00)
Total award:		\$633,980.00

The Fleet Services, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Used Program Vehicles. Vendor No. 1 offers options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if exercised within three (3) months and six (6) months from the date of award of the contract. Vendor No. 2 offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within three (3) months from the date of award of the contract. No prompt payment discounts were offered by either Vendor.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-118 Street Sweepers, High Dump, 4-Yard Capacity (Rebid)

Award to:	Tennant Sales and Service Company Minneapolis, MN
Item (s):	#1, Qty. 9 @ \$161,139.26/each #O-1, Qty. 15 @ \$2,123.60/each
Amount:	\$1,482,107.34 <u>\$ 32,500.00</u> Less Trade-In Allowance \$1,449,607.34

Department: Streets
 Funds Sources: 508029-29203-04200401-PMB0005003
 Bond Election Capital Acquisitions –
 Street (\$380,000.00)
 508029-24203-04250201-PMB0002130
 City Equipment NOC (\$1,102,107.34)
 Total award: \$1,482,107.34

The Fleet Services, Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Street Sweepers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount was offered.

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 Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-645 BUILDING AND PLANNING SERVICES.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to reconsider BT2004-645 BUILDING AND PLANNING SERVICES.
 Representative Escobar was not present for the vote.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve budget transfer BT2004-645 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$120,000 to pay for infrastructure improvements in connection with the development of park site at Franklin Hills. Funding source is HFC funds.

Increase	\$120,000	to	31125001/PPR000327624/508027	Construction
Increase	\$120,000	to	31125001/P50145827610/407002	Est Rev
Decrease	\$120,000	from	31125001/P50145827610/507001	Intrfd Trf
Increase	\$120,000	to	31125001/PPR000327624/407001	Intrfd Trf

Representative Escobar was not present for the vote.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-524 SOLID WASTE MANAGEMENT

To establish appropriations for sale of revenue bonds to purchase Solid Waste Management equipment for FY 04.

Increase	\$1,631,200	to	34340200/40415/508006	Veh Equip
Increase	\$ 60,000	to	34340200/40415/508008	OffEquip&App
Increase	\$1,546,600	to	34340200/40415/508029	Hvy/OffRdEqp
Increase	\$3,237,800	to	34340200/40415/407020	Bond Proc

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-634 MUSEUM (ARCHAEOLOGY)

To increase revenue estimate for the purchase of merchandise for sales to the public. Due to increased sales this fiscal year, additional inventory is needed to meet public demand for goods sold.

Increase	\$3,600	to	54500031/50113/404306	Sales to Pub
Increase	\$3,600	to	54500031/50113/503102	Promo Sup

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-656 AIRPORT

Transfer of funds from Airport contingency to cover the cost of maintenance of the landing area to include installing damaged fencing, repair of storm drain pipe and replacing signage.

Increase	\$10,000	to	62620009/40101/502226	Fac Maint
Increase	\$10,000	to	62620009/40101/503200	Fac Maint
Increase	\$ 1,000	to	62620009/40101/503202	Land/Lndscp
Decrease	\$21,000	from	62620001/40101/504405	Contingency

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-671 AIRPORT

Transfer of funds to cover cost of parking lot operation and maintenance. Land maintenance and shuttle bus maintenance items have exceeded original estimates. Passenger traffic and associated parking lot activity have risen faster than anticipated and are up over 10% from prior year-to-date numbers. March 2004 numbers are up 17% over March 2003.

Increase	\$ 5,000	to	62620006/40101/503200	Bldg/FacMnt
Increase	\$ 2,000	to	62620006/40101/503202	Land/Lndscp
Increase	\$ 500	to	62620006/40101/503204	Veh Maint
Increase	\$10,000	to	62620006/40101/503207	Hvy Eq Maint
Decrease	\$17,500	from	62620001/40101/504405	Contingency

.....
 Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-689 BUILDING AND PLANNING SERVICES.

Representative Cobos requested clarification.

Ms. Teresa Quezada, Capital Development Program Administrator, provided financial explanation.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve budget transfer BT2004-689 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$56,600 which will align funding for the Cohen Stadium Canopy project to match bond authorization.

Increase	\$56,600	to	31130500/PPW004601226253/508027	Construction
Increase	\$56,600	to	31130500/PPW004601226253/407020	Bond Proc

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-693 SOLID WASTE

To appropriate additional funds necessary to construct perimeter fencing around the original Clint Landfill in order to meet the permit requirements for the new Clint Landfill.

Decrease	\$ 3,000	from	34010291/40403/503107	Pheto/FImVdSp
Increase	\$ 3,000	to	34010291/40403/507001	Intrafd Trf
Decrease	\$ 25,000	from	34010293/40403/502116	Promo Svcs
Decrease	\$ 5,000	from	34010293/40403/502215	OtsdContNOC
Decrease	\$ 5,000	from	34010293/40403/502226	Bdg/FcMntCnt
Decrease	\$ 10,000	from	34010293/40403/503117	EqMntSup
Increase	\$ 45,000	to	34010293/40403/507001	IntrafdTrf

Decrease	\$ 3,000	from	34010296/40403/502226	Bdg/FcMtCont
Decrease	\$ 3,000	from	34010296/40403/503122	MntSp/PtNOC
Decrease	\$ 2,000	from	34010296/40403/503200	Bdg/FcMt/Rep
Decrease	\$ 25,000	from	34010296/40403/504100	Electricity
Decrease	\$ 2,000	from	34010296/40403/504101	Water
Decrease	\$ 25,000	from	34010296/40403/504402	GnLiabltlyIns
Increase	\$ 48,000	to	34010296/40403/407001	Intrafd Trf
Increase	\$308,000	to	34010296/PSWM000840403/508001	LandImprv
Increase	\$200,000	to	34010296/PSWM000840403/403141	Landfill Fees

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-707 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$7,231.07 to fund the City Hall HVAC Retrofit project. Funding source is 1995 CO's.

Increase	\$7,231.07	to	31118111/PPW0034004A27061/407002	ProcRev
Increase	\$7,231.07	to	31118111/PPW0034004A27061/508027	Construction

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-720 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$8,000 to fund construction of the Zaragosa Bridge Joint Repair project. Funding source is previously issued revenue bonds.

Increase	\$8,000	to	32000082/P50100543001/508027	Construction
Increase	\$8,000	to	32000082/P50100543001/407002	Est Rev

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-734 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer moves funds from the CD 29th Yr Contingency account to the Coalition Capacity Bldg Project, a 28th Yr (2002-2003) CDBG Program project. The transfer will allow a contract extension (2nd amendment) to continue an effective continuum of care application process which has the potential of maximizing federal funds allocated to the city for homeless services programs.

Decrease	\$69,972	from	71150069/G7129CD000107747/508027	Construction
Increase	\$69,972	to	71150069/G7128CD000607665/505209	SnglLnltmPrj

.....
 Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-737 PARKS AND RECREATION.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution. Representative Escobar was not present for the vote.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to postpone one (1) week budget transfer BT2004-737 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for parks construction within the same park zone as the development that generated the revenue. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 300	to	51159242/P51800080916148/405072	Parkland Ded
Increase	\$ 300	to	51159242/P51800080916148/508004	Parkland Ded
Increase	\$ 36,800	to	51159242/P51800015916133/405072	Parkland Ded
Increase	\$ 36,800	to	51159242/P51800015916133/508004	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800015916133/405072	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800015916133/508004	Parkland Ded
Increase	\$ 93,300	to	51159242/P51800086416204/405072	Parkland Ded
Increase	\$ 93,300	to	51159242/P51800086416204/508004	Parkland Ded
Increase	\$ 1,800	to	51159242/P51800086516205/405072	Parkland Ded
Increase	\$ 1,800	to	51159242/P51800086516205/508004	Parkland Ded
Increase	\$ 42,340	to	51159242/P51800083616175/405072	Parkland Ded
Increase	\$ 42,340	to	51159242/P51800083616175/508004	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800083616175/405072	Parkland Ded
Increase	\$ 3,000	to	51159242/P51800083616175/508004	Parkland Ded
Increase	\$3,181.20	to	51159242/P51800015416128/405072	Parkland Ded
Increase	\$3,181.20	to	51159242/P51800015416128/508004	Parkland Ded
Increase	\$1,800.00	to	51159242/P51800015316127/405072	Parkland Ded
Increase	\$1,800.00	to	51159242/P51800015316127/508004	Parkland Ded
Increase	\$1,200.00	to	51159242/P51800083616175/405072	Parkland Ded
Increase	\$1,200.00	to	51159242/P51800083616175/508004	Parkland Ded
Increase	\$ 5,793	to	51159242/P51800008216056/405072	Parkland Ded
Increase	\$ 5,793	to	51159242/P51800008216056/508004	Parkland Ded
Increase	\$ 27,300	to	51159242/P51800011316087/405072	Parkland Ded
Increase	\$ 27,300	to	51159242/P51800011316087/508004	Parkland Ded
Increase	\$ 300	to	51159242/P51800005016024/405072	Parkland Ded
Increase	\$ 300	to	51159242/P51800005016024/508004	Parkland Ded

Representative Escobar was not present for the vote.

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 Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-744 ECONOMIC DEVELOPMENT.

There was no discussion on the matter.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2004-744 ECONOMIC DEVELOPMENT

To appropriate capital funding for building improvements, upgrade of comp network and enhanced safety.

Increase	\$136,950	to	57107100/P50156627456/407002	Est Rev
Increase	\$ 85,350	to	57107100/P50156627456/508003	Bldg Impvmt
Increase	\$ 45,000	to	57107100/P50156627456/508010	Data Proc
Increase	\$ 6,600	to	57107100/P50156627456/508012	Med/SciEquip

Representative Cobos was not present for the vote.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-773 SOLID WASTE MANAGEMENT

To appropriate funds necessary to pay the expenses to be incurred during the period Solid Waste Management diverts solid waste from City Landfills to the Camino Landfill.

Decrease	\$ 5,000	from	34010289/40403/502115	MgmtServCnt
Decrease	\$ 130,000	from	34010289/40403/501000	NUnfWag&Sal
Increase	\$ 135,000	to	34010289/40403/507001	Intrafd Trf
Increase	\$ 220,000	to	34010291/40403/403140	CollectionFee
Increase	\$ 68,000	to	34010291/40403/403145	WsteRemFee
Increase	\$ 44,000	to	34010291/40403/403146	WeedRemFee
Decrease	\$ 225,000	from	34010291/40403/501000	NUnfWag&Sal
Decrease	\$ 50,000	from	34010291/40403/502001	TempSvcCnt
Increase	\$ 607,000	to	34010291/40403/507001	Intrafd Trf
Decrease	\$ 45,000	from	34010293/40403/501000	NUnfWag&Sal
Decrease	\$ 68,875	from	34010293/40403/501002	OverTime Civ
Increase	\$ 113,875	to	34010293/40403/507001	Intrafd Trf
Increase	\$ 358,000	to	34010296/40403/403141	Landfill Fees
Increase	\$ 855,875	to	34010296/40403/407001	Intrafd Trf
Increase	\$1,213,875	to	34010296/40403/504303	LndfillUseFee

.....

*Motion made, seconded and unanimously carried to approve the request of Rotary Club of West El Paso to hold an Annual Independence Day parade on July 3, 2004 from 9:00 a.m. to 10:30 a.m. Route: Start at Western Hills Methodist Church at 530 Thunderbird, proceed on Thunderbird to Shadow Mountain, turn left on Shadow Mountain to Mesa, turn right on Mesa, proceed on Mesa to Champions Pl., turn right on Champions Pl. and finish at the Coronado High School parking lot at 100 Champions. Approximately 1,500 persons, 50+ vehicles, 50+ animals will take part and 1,500 spectators are anticipated. PERMIT NO. 04-041 [Rick Lobello]

.....

*Motion made, seconded and unanimously carried to approve the request of Constance Hulbert Elementary to hold an end of the year parade on May 25, 2004 from 10:15 a.m. to 10:45 a.m. Route: Start at the school parking lot, turn right on Franklin Dr. to Franklin Loop, proceed on the Franklin Loop to Franklin Dr., return and finish at the school parking. Approximately 500 persons, 3 vehicles will take part and 150 spectators are anticipated. PERMIT NO. 04-042 [Nellie Morales]

.....

*Motion made, seconded and unanimously carried to approve the request of Catholic Community of Corpus Christi to block off Le Baron between North Loop and Sorbonne on June 4, 2004 from 6:00 p.m. to 1:00 a.m.; June 5, 2004 from 4:00 p.m. to 1:00 a.m.; June 6, 2004 from 2:00 p.m. to 1:00 a.m. for a bazaar. Approximately 1,500 persons will take part on June 4, 2004; 2,000 persons will take part on June 5, 2004, and 3,000 persons will take part on June 6, 2004. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 04-043 [Mike Garcia]

.....

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An Ordinance establishing deadlines and procedures for placing matters on the agenda for City Council Meetings and repealing Ordinance No. 010397, Ordinance No. 011042, Ordinance No. 011573, and Ordinance No. 15264.

PUBLIC HEARING WILL BE HELD ON WEDNESDAY, JUNE 2, 2004 FOR ITEM A

Public Hearing will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Ms. Terri Cullen-Garney, Deputy City Attorney, explained that the Ordinance language included four options from which the Council Members could decide the establishment of the deadlines and procedures for placement of matters on the agenda. She answered questions from and responded to comments made by the Council Members.

Ms. Richarda Duffy Momsen, City Clerk, responded to questions from the Council regarding deadlines for the agenda and its addition and the impact on City Clerk staff.

Representative Austin requested that the Council Members determine which option should be written in the Ordinance language at this time of introduction.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Rojas was not present for the vote.

- B.** An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add New Locations On Collingsworth Street. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- C.** An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III- Parking Prohibited At All Times On Certain Streets) To Add A New Location On Maryland Street, Between Geiger Avenue And Alameda Avenue (SH-20), Westside Only. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- D.** An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add A New Location On Geiger Avenue, Between Collingsworth Street and Cargil Street, Both Sides. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- E.** An Ordinance Amending Title 12 (Vehicles And Traffic). Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Add a New Location On Wymond Court, North Side Only. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- F.** An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Add A Subsection Identifying The Speed Limit As Thirty-Five Miles Per Hour On Ted Houghton Drive From Pellicano Drive to Olga Mapula Drive. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- G.** An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) To Delete Various Existing Locations As The Proposed Deletions Are Duplicates Found Elsewhere In Section 12.88.030. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- H.** An Ordinance Amending Title 12 (Vehicles And Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A), Subparagraph 84 Of The El Paso Municipal Code, By Revising Parking Restrictions On Santa Fe Street. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- I.** An Ordinance vacating a 20-foot wide alley within Block 217, Campbell Addition, City of El Paso, El Paso County, Texas.

- J. An Ordinance vacating a 20-foot wide alley within Block 218, Campbell Addition, City of El Paso, El Paso County, Texas.
- K. An Ordinance vacating a portion of Campbell Street (Triangle) adjacent to Block 218, Campbell Addition, City of El Paso, El Paso County, Texas.
- L. An Ordinance vacating a portion of Florence Street between Blocks 217 and 218, Campbell Addition, City of El Paso, El Paso County, Texas.
- M. An Ordinance vacating a portion of Ochoa Street adjacent to Block 217, Campbell Addition, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON WEDNESDAY, JUNE 2, 2004 FOR ITEMS B – M

- N. An Ordinance changing the zoning of a Portion of Tract 3J, Section 43, Block 80, Township 1, Texas & Pacific Railway Company Surveys, El Paso, El Paso County, Texas (Cross Street & Railroad Drive) from C-4 (Commercial) to R-5 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00014. Applicant / Representative: Carefree Land, R.P, 1560 Goodyear, El Paso, TX 79936
- O. An Ordinance granting Special Permit No. ZON04-00015, to allow for a planned residential development on a Portion of Tract 3J, Section 43, Block 80, Township 1, T & PRRC Surveys, El Paso, El Paso County, Texas (Cross Street and Railroad Drive) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-5 (Residential). Applicant / Representative: Carefree Land, R.P, 1560 Goodyear, El Paso, TX 79936
- P. An Ordinance changing the zoning of a Portion of Lots 1C1 and 1D1, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Gomez Road & Oscar Perez Ave.) from R-F (Ranch-Farm) to R-2 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00032. Applicant: View Point Acreage, L.L.C./ Representative: Brock & Bustillos, Inc., 417 Executive Center Blvd., El Paso, TX 79912
- Q. An Ordinance granting Special Permit No. ZON04-00031, to allow for a planned residential development on a Portion of Lots 1C1 and 1D1, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Gomez Road & Oscar Perez Ave.) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-2 (Residential). Applicant: View Point Acreage, L.L.C./ Representative: Brock & Bustillos, Inc., 417 Executive Center Blvd., El Paso, TX 79912
- R. An Ordinance changing the zoning of Lot 24, save and except a strip of land 1.5 Feet by 65 Feet out of the Northeasterly portion of said Lot and all of Lots 25 and 26, Block 50, Government Hill Addition, El Paso, El Paso County, Texas (4114-4116 Bliss Avenue) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00046. Applicant: William Martin Leff / Representative: J.R. Rubalcava, Sr., 3118 Montana, El Paso, TX 79903 **THIS IS AN APPEAL CASE.**

PUBLIC HEARING WILL BE HELD ON TUESDAY, JUNE 8, 2004 FOR ITEMS N – R

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Cobos was not present for the vote.

An Ordinance authorizing the Mayor to execute a quitclaim (tax resale) deed for .046 acres, more or less, out of Lots 31 and 32, Block 7, East El Paso Addition, Supplemental Map #1, an Addition to the City of El Paso, Texas.

PUBLIC HEARING WILL BE HELD ON WEDNESDAY, JUNE 2, 2004

Public Hearing will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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*Motion made, seconded and unanimously carried to delete the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the Staff briefing on landfill operational and management issues.

.....
Item: Discussion and action on adopting an ordinance creating the El Paso Economic Development Group.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to refer to the Legislative Review Committee for the Economic Development Department the adoption of an ordinance creating the El Paso Economic Development Group.

.....
Item: Discussion and action on an economic development tourism initiative for financial commitment to support a citywide campaign to include signage, two billboards, banners, bench ads and bus wraps. An oversight committee will assist with design, placement and budget.

Representative Power explained that the Convention and Visitors Bureau advertises and promotes points of interest outside the City limits and added that there was no method of advertising directing individuals to points of interest inside the city limits. He moved to direct City staff and the Economic Development Department to partner and work with other entities to develop and prepare a proposal and budget addressing billboard, bus wrap, bench ad, signage, advertising points of interest inside the City limits for the FY05 budget hearings. He stated that Clear Channel had offered a 25% discount on the use of the billboards.

Representative Lozano explained that SMG was lacking in the promotion, signage, maps, etc., of the City and suggested that the Tourism and Convention Bureau be under the direction of the Economic Development Department

The following individuals made remarks regarding advertising the City's points of interest:

Mr. Bernie Sargeant, Chairman of the El Paso County Historic Commission, commented on making El Paso a place to come to, not through;

Mr. Ray Adauto, Executive Vice-President of the Association of Builders, commented on the lack of promotion/location noting points of interest area wide.

Ms. Lisa Turner, citizen, requested that a report by the Convention and Visitors Bureau be given to the Council Members regarding advertisement efforts outside the City limits.

Motion made by Representative Power, seconded by Representative Rojas and unanimously carried to direct the Economic Development Department to prepare a proposal and a budget to present during the 2004-2005 budget hearings and to include the Tourism and Convention Advisory Board in the preparation of the proposal and budget.

No action was taken on the discussion and action on hiring a Program Manager to oversee the 2004 Capital Improvement Projects.

Item: Discussion and action on proposal for a multi-use arena to be built on land donated to the City at Bassett Center as a "turn key project" subject to voter approval.

Mr. Todd Minnis, Cypress Equities, presented documents to the Council Members and requested that the Special City Council meeting be scheduled in two weeks for further discussion. He responded to Representative Cook's comments regarding market analysis and revenue projections.

Representative Lozano requested that Cypress Equities include the cost, size summary of operation and performance plan in their presentation and to include Global Entertainment and the El Paso Sports Authority in their dialogue.

Mayor Joe Wardy noted that other groups would be stepping forward with other arena projects, possibly a downtown arena.

Ms. Lisa A. Elizondo, City Attorney, explained the timeline for a Bond election in September, 2004.

Ms. Elaine Hengen, Assistant City Attorney, provided additional legal advice pertaining to holding an election in September, 2004.

Representative Cobos requested scheduling Special City Council meetings for further discussion regarding other proposals and land acquisition.

Representative Power recommended the discussion be limited to the current proposal and to let the voters decide whether or not to approve.

Representative Escobar requested further research regarding the feasibility of the project based on location, size, etc. and stated that the El Paso Sports Authority was under contract with the County of El Paso.

The following individuals commented on the matter:

Ms. Lisa Turner, citizen, requested that the City conduct an RFP, to include all arena proposals, she urged that ultimately voters be allowed to decide.

Mr. Ray Gilbert, citizen, questioned the urgency of the matter.

Motion made by Representative Cook, seconded by Representative Power and carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 the discussion and action on proposal for a multi-use arena to be built on land donated to the City at Bassett Center as a "turn key project" subject to voter approval.

AYES: Representatives Cook, Power, Escobar and Rojas
NAYS: Representatives Austin, Cushing, Lozano, Cobos and Mayor Wardy

Mayor Joe Wardy voted NAY. Motion to postpone FAILED.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to acknowledge the Letter of Intent from Cypress Equities and to have the proposals presented to Council at the Regular City Council Meeting scheduled for Wednesday, June 2, 2004.

.....
Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to delete the following item:

Authorize the Mayor to communicate proposed multi-use arena project as supportive of US Army MWR goals in relationship to initiatives on the part of Fort Bliss in upcoming round of BRAC discussions.

.....
RESOLUTION

WHEREAS, Direct Deposit, also known as electronic funds transfer (EFT), is the automatic deposit of employee's net payroll to a financial institution account in lieu of receiving a negotiable pay instrument;

WHEREAS, Direct Deposit for City payroll will save the City of El Paso money by eliminating staff time and resources, and will reduce the risk of theft and/or lost payroll checks;

WHEREAS, City of El Paso employees may receive payroll earnings faster by utilizing Direct Deposit due to the elimination of mailing time, and reduce the amount of time employees spend in lines at the bank on payroll day by utilizing Direct Deposit;

WHEREAS, City of El Paso desires to require Direct Deposit, in a financial institution of the employees choice, as a condition of employment for all permanent full or part-time employees hired after July 1, 2004; and

WHEREAS, City of El Paso Employees that are able to show hardship may be exempt from participation at the discretion of the City Comptroller.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council of the City of El Paso hereby adopts to require Direct Deposit, in a financial institution of the employee's choice, as a condition of employment for all employees hired after July 1, 2004.

THAT City of El Paso employees that are able to show hardship may be exempt from participation at the discretion of the City Comptroller.

Ms. Carmen Arrieta, Comptroller, explained the benefits of direct deposit for both the City and employee and explained exceptions from participation in the program. She answered questions from and responded to comments made by the Council Members.

Representative Cook questioned how current employees could be implemented into the direct deposit program.

Ms. Lupe Cuellar, Deputy City Attorney, provided legal advice regarding the implementation of current employees into the direct deposit program. She responded to Representative Rojas' concern that staff might not want to participate in the program.

Ms. Richarda Duffy Momsen, City Clerk, explained that while she encourages direct deposit among her staff, some members were uncomfortable utilizing direct deposit for various reasons.

Mayor Joe Wardy commented on the cumbersome and costly procedure for processing payroll checks.

Messrs. Joseph Millings and Garry Hamilton, JPMorgan Chase, answered questions of the Council Members and Mr. Hamilton explained that government entities and educational institutions have implemented and mandated the direct deposit program, citing benefits to both the employer and the employees.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

.....
Motion made by Representative Lozano, seconded by Representative Power and unanimously carried to approve the following items:

Zoo Support Facilities 2000 QOL Bond Projects – Scope and budget adjustments to allow the construction contract to be awarded currently \$801,900 over budget based on bids received April 21, 2004.

- A. Substitution of Animal Holding Facility with modified Fish Quarantine / Animal Holding Building and proposed value engineering options to allow the Zoo Support Facility Projects construction contract to be awarded to the best value contractor.
- B. Transfer of \$200,000 from the New Delta Pool and New Delta Senior Center (Zoo Proposition 3 funded projects) projects' construction contingency to the Zoo Support Facility Projects.

Mr. Juan Contreras, Perspectiva + 3 D/I, explained that the bids were received April 21, 2004, however, base bids were over the budget and answered questions from and responded to comments made by the Council Members.

Representative Austin commented on the increase construction costs and Representative Power asked questions of Mr. Byron Johnson, Director of Purchasing.

Ms. Irene Ramirez, Interim City Engineer, provided additional information/explanation.

Mr. Scott Gilliland, Zoo Engineer, explained the complicated and detailed analysis the Zoo staff conducted.

Mr. Eugenio Mesta, Perspectiva + 3 D/I, responded to questions of Representative Lozano.

Mr. Ray Gilbert, citizen, requested that the City review the requirements in bids and RFPs regarding the number of years experience required to bid.

Mr. Johnson responded to comments made by Mr. Gilbert.

.....
Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to approve the following item:

Memorial Pool and Reserve 2000 QOL Bond Projects - Transfer of \$136,000 from the Parks Contingency Fund to the Memorial Pool and Reserve projects to allow the construction contract to be awarded to the best value contractor.

Representative Power was not present for the vote.

Mr. Juan Contreras, Perspectiva + 3 D/I, responded to funding and project completion questions posed by Representative Cook.

Ms. Debbie Hamlyn, Deputy CAO for Quality of Life Services, explained that project alternates would be completed if left over monies were available and responded to questions raised by Representatives Cook and Rojas.

RESOLUTION

WHEREAS, the City awarded Contract No. 2002-077 to Office Janitorial Services (Professional Office Service), on May 18, 2004, for Janitorial Services for Park Facilities (Multi-Purpose Center); and

WHEREAS, the City Council terminates said Contract for convenience pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Section C 8A of the Contract (Cancellation for Convenience), the City is authorized to terminate the Contract for convenience; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing is authorized to notify Office Janitorial Services (Professional Office Service), that the City is terminating Contract No. 2002-077 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of May 18, 2004.

Mr. Byron Johnson, Director of Purchasing, requested that the effective date be revised to note May 18, 2004.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above amended Resolution.

NOTE: Effective date on this resolution was revised from "March 2nd 2004" to "May 18, 2004".

.....
Item: An Ordinance amending Title 20 (Zoning) Chapter 20.08 (General Design and Use Regulations) Section 20.08.207 (Mobile Service Unit Development Standards) to redesignate all mobile service unit ordinance references now located in 20.08.207 to code Section 20.08.207.5; to add 20.08.207.5.10 which will allow businesses to provide Mobile Servicing for employee vehicles at the employer's place of business; and to amend Chapter 20.02 (General Provisions and Definitions) to change the reference in 20.02.513 (Mobile Service Units) from 20.08.207 to 20.08.207.5. The penalty is as provided in 20.68 of the City of El Paso Municipal Code.

NOTE: A motion was made by Representative Cook to approve, however, there was no second. Followed by a motion by Representative Lozano to postpone the matter for two weeks, again, there was no second. No action was taken on the matter.

Ms. Kim Forsyth, Urban Planner, provided background information regarding the Ordinance and answered questions from and responded to comments made by the Council Members.

The following individuals made comments:

Ms. Lisa Turner, citizen, expressed concerns regarding issues pertaining to zoning, control and inspection.

Mr. John Witherspoon, attorney representing Lube 'n Go, provided explanation and responded to questions from the Council Members.

Mr. Hugo Bustamante, representing ProntoLube, expressed opposition to the Ordinance.

No action was taken on an Ordinance amending Title 20 (Zoning) Chapter 20.08 (General Design and Use Regulations) Section 20.08.207 (Mobile Service Unit Development Standards) to redesignate all mobile service unit ordinance references now located in 20.08.207 to code Section 20.08.207.5; to add 20.08.207.5.10 which will allow businesses to provide Mobile Servicing for employee vehicles at the employer's place of business; and to amend Chapter 20.02 (General Provisions and Definitions) to change the reference in 20.02.513 (Mobile Service Units) from 20.08.207 to 20.08.207.5. The penalty is as provided in 20.68 of the City of El Paso Municipal Code.

*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 an Ordinance authorizing the issuance of City of El Paso, Texas, General Obligation Commercial Paper Notes, Series B, in an aggregate principal amount not to exceed \$50,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement.

Mr. Ray Gilbert, citizen, requested that the Council Members direct City staff to issue long-term bonds to protect the citizens from high interest rates.

Mayor Joe Wardy responded to comments made by Mr. Gilbert.

.....
*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 an Ordinance of the City of El Paso, Texas, authorizing the issuance and sale of City of El Paso, Texas, Solid Waste Disposal System Revenue Bonds, Series 2004; providing for the security and payment of said bonds; approving the Official Statement; approving execution and delivery of a Bond Purchase Agreement and enacting other provisions relating thereto.
.....

ORDINANCE 15784

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 6 AND 7, BLOCK 1, EL PASO WEST UNIT 2, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS (1345 EXPORT PLACE) FROM M-1 (MANUFACTURING) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Approving support for the nomination of the Montana Avenue Historic District (1000 through 1500 blocks of Montana Avenue) to the National Register of Historic Places by the Texas Historical Commission.

Mr. Jorge Rousselin, Planning, Research and Development, commented on blocks 1000 through 1500 Montana nomination to the National Register of Historic Places by the Texas Historical Commission and added that historic overlay restrictions would not be placed on the properties.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 150 Cherry Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 15th, 2003. The owners of this property, Juan and Maria Flores, 150 Cherry Street, El Paso, Texas 79915, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 3404 Montridge Court, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 25th, 2004. The owners of record as of March 23rd, 2004, Robert C. & Mary Oberlander, P. O. Box 640773, El Paso, Texas 79904, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 11661 Norman Montion, in El Paso, Texas, which property is more particularly described as follows:

Lot: 43, Block 66, Vista Hills Unit Twenty, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 65, Page 35, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 18th, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. There has been no action or response from the owner.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Buildings be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and

- d. That a compliance hearing be scheduled for June 22nd, 2004 to determine if the property has been cleaned and secured and, if not, to decide what action to take.
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
 4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
 7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Mr. Jose Padilla, attorney for Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, provided explanation pertaining to the delinquent tax amount.

Representative Power requested 30 days to allow the property owner time to clean the property.

Ms. Teresa Garcia, Assistant City Attorney, provided legal advice.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

.....
ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the proposed Consent Agreement among the City of El Paso, the El Paso Independent School District (District), and the El Paso Border Youth Athletic Association (Association). Such approval shall be subject to the finalizing of a Joint Use Agreement between the Association and the District with respect to the joint use of the baseball field, softball field, and necessary related amenities to be constructed by the Association on property leased by the City to the Association under the terms of the September 30, 2003 Lease Agreement.

.....
Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone one (1) week the following executive session item:

City Attorney's Office authorization to settle the City's subrogation interests. (551.071)

Representative Cobos was not present for the vote.

.....
Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone one (1) week the following executive session item:

City Attorney's Office authorization to settle lawsuits and claims filed by or against the City of El Paso. (551.071)

Representative Cobos was not present for the vote.
.....

*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting scheduled for Wednesday, June 2, 2004 the following executive session item:

City of El Paso vs. Vintage Car Wash, File No. 02-PD-6-4G. (551.071)

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item:

Subrogation Claim Regarding Timothy G. Rogers. (551.071)

.....
Motion made by Representative Austin, seconded by Representative Power and unanimously carried to adjourn this meeting at 3:17 p.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk